

Appl. No. : 10/551,081
Amdt. Dated: November 29, 2007
Reply to Office Action of August 30, 2007

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REMARKS

Claims 1-4 and 6-8 were originally pending in the present application. Claims 5 and 9 were added by Preliminary Amendment. Claims 1-5 have been cancelled herein, leaving Claim 6-9 pending and at issue. Of the remaining claims, Claim 6 has been amended.

In the present Action, several rejections were set forth. Claims 1-5 were rejected under 35 USC 101 as being directed to a use without setting forth any steps involved in the process. Claims 6-9 were rejected under 35 USC 112, first paragraph as being non-enabling for treating or controlling autoimmune diseases other than psoriasis, systemic lupus erythematosus and hyperthyroidism. Claims 6-9 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 5,217,962 to Burton et al (hereafter "Burton"). Finally, Claims 1-9 stand provisionally rejected on the grounds of non-statutory, obviousness-type, double-patenting over Claims 1-7 of co-pending Application No. 10/550,784.

Applicant contends that the above amendments address and obviate the continuation of each of these stated rejections.

Further, the specification has been amended to address a typing error on page 2 in which the functional group ${}^6\text{CH}_3\text{OH}$ of the structural formula (shown in double-brackets and ~~strikeout~~) is corrected to reflect the proper group ${}^6\text{CH}_2\text{OH}$ on the structural formula (shown as underlined). No new matter has been added.

Section 101 Rejection

Claims 1-5 have been cancelled in the present application. Accordingly, further rejection of these claims is moot.

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Section 112 Rejection

Claim 6 has been amended to limit the autoimmune diseases to systemic lupus erythematosus and hyperthyroidism. The Examiner has acknowledged that the present specification is enabling for the treatment of these diseases. Accordingly, the rejection under section 112, first paragraph, is overcome.

Double-Patenting Rejection

The addition of the limitation to Claim 6 wherein the autoimmune diseases are selected from systemic lupus erythematosus and hyperthyroidism is believed to overcome the non-statutory, obviousness-type, double-patenting rejection. The copending '742 application does not render obvious the treatment of such diseases. Accordingly, the rejection for double-patenting should be withdrawn.

Section 102(b) Rejection

The Examiner has cited Burton for teaching the use of N-acetyl glucosamine, orally administered, for the treatment of psoriasis (a local lesion). As previously noted, Claim 6 has been amended to limit treatment to systemic lupus erythematosus and hyperthyroidism. Applicant contends that treatment of these diseases, therefore, is not anticipated by Burton. Reconsideration of all pending claims is respectfully requested.

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CONCLUSION

Claims 1-4 and 6-8 were originally pending in the present application. Claims 5 and 9 were added by Preliminary Amendment. Claims 1-5 have been cancelled herein, leaving Claim 6-9 pending and at issue. Of the remaining claims, Claim 6 has been amended. Applicant contends that in light of the cancellation of Claims 1-5 and amendment to Claim 6, all rejections are overcome and all pending claims are now in condition for allowance.

Should any formalities remain which can be corrected by Examiner's amendment, Applicant requests that the undersigned be contacted by phone in order to expedite the prosecution of the present case.

Respectfully submitted,

By 

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